

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
WALTER P. HUGHES,)	
)	
Plaintiff,)	
)	
v.)	Civil Docket No. 04 11662NMG
)	
THOMAS McMENAMON, JR.)	
)	
and)	
)	
AMERICA ONLINE, INC.,)	
)	
Defendants.)	
_____)	

**DEFENDANT AMERICA ONLINE, INC.'S
MOTION FOR SANCTIONS UNDER RULE 11**

Pursuant to Fed. R. Civ. P. 11, Defendant America Online, Inc. ("AOL"), by counsel, moves this Court to grant AOL's motion for the imposition of sanctions against *pro se* Plaintiff Walter P. Hughes. Plaintiff Hughes has repeatedly subjected AOL to the relitigation of frivolous and false claims relating to the manner in which AOL conducted its defense of an earlier lawsuit he filed against AOL and Thomas McMenamon, Jr. in 2001.

WHEREFORE, AOL asks that this Court direct Plaintiff to cease filing lawsuits against AOL and others in connection with the allegations he first raised in his Rule 60(b)(3) motion in his original lawsuit against AOL and McMenamon and award sanctions in the form of costs and attorneys' fees incurred by AOL in this action.

Respectfully submitted,

/s/ Benjamin M. Stern

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Attorneys for America Online, Inc.

September 20, 2004

CERTIFICATE OF SERVICE & COMPLIANCE WITH FED. R. CIV. P. 11(c)(1)(A)

I hereby certify that a true and accurate copy of the above and foregoing Defendant America Online, Inc.'s Motion for Sanctions has been served on the following counsel of record via Federal Express, this 20th day of September, 2004:

Walter P. Hughes
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Plaintiff Appearing *pro se*

Joseph L. Tehan, Jr., Esq.
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Counsel for Defendant McMenamon

I further certify that Defendant American Online, Inc. filed its Motion For Sanctions only after fulfilling the requirements of Fed. R. Civ. P. 11(c)(1)(A) and that I have caused a true and accurate copy of the instant motion, America Online, Inc.'s memorandum in support, and supporting appendix, to be served on aforementioned counsel of record via overnight mail this 15th day of October, 2004.

/s/ Benjamin M. Stern
Benjamin M. Stern